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Attorneys for Defendant  
**MICROSOFT CORPORATION**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

GOOGLE, INC. and KAI-FU LEE,

Case No. C 05-03095 RMW

**Plaintiffs,**

V.

MICROSOFT CORPORATION.

**DECLARATION OF MICHAEL J.  
BETTINGER IN SUPPORT OF  
MICROSOFT'S MOTION TO  
DISMISS, TRANSFER OR STAY**

## Defendant.

Date: October 14, 2005  
Time: 9:00 a.m.  
Place: Courtroom 6  
Hon. Ronald M. Whyte

I, MICHAEL J. BETTINGER, declare as follows:

1. I am an attorney licensed to practice in the State of California and before this Court, and am a partner in the law firm of Preston Gates & Ellis, LLP, attorneys of record for defendant Microsoft Corporation in the above-entitled action. I have personal knowledge of the

1 facts stated herein and, if called as a witness, would testify as follows.

2       2. Attached hereto as Exhibit 1 is a true and correct copy of the Employment  
3 Agreement between Microsoft Corporation and Kai-Fu Lee, dated August 8, 2000.

4       3. Attached hereto as Exhibit 2 is a true and correct copy of the complaint filed by  
5 Microsoft Corporation against Kai-Fu Lee and Google, Inc. in the Superior Court of the State of  
6 Washington In and For the County of King, on July 19, 2005.

7       4. Attached hereto as Exhibit 3 is a true and correct copy of the Temporary  
8 Restraining Order, dated July 28, 2005, signed by King County Superior Court Judge Steven  
9 Gonzales.

10       5. Attached hereto as Exhibit 4 is a true and correct copy of the Order Expediting  
11 Trial Date, dated July 29, 2005, signed by King County Superior Court Judge Steven Gonzales.

12       6. Attached hereto as Exhibit 5 is a true and correct copy of the Order Appointing  
13 Discovery Master, dated July 29, 2005, signed by King County Superior Court Judge Steven  
14 Gonzales.

15       7. Attached hereto as Exhibit 6 is a true and correct copy of the Order Granting  
16 Motion to Intervene and Granting, In Part, Motion to Unseal Documents, dated August 2, 2005,  
17 signed by King County Superior Court Judge Steven Gonzales.

18       8. Attached hereto as Exhibit 7 is a true and correct copy of a Google, Inc. press  
19 release, dated July 19, 2005, announcing that Kai-Fu Lee will lead Google's new Research and  
20 Development Center in China. The press release quotes Dr. Lee as stating "I look forward to  
21 returning to China to begin this exciting endeavor."

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 9<sup>th</sup>  
2 day of September, 2005 at San Francisco, California.

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5 \_\_\_\_\_/s/  
6 Michael J. Bettinger  
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